

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Apr 08, 2022**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CARLOS RUELAS-VALDOVINOS,

Defendant.

No. 4:21-CR-06028-MKD-9

ORDER FOLLOWING INITIAL  
APPEARANCE AND  
ARRAIGNMENT AND SETTING  
DETENTION HEARING

**\*\*USMS ACTION REQUIRED\*\***

On Friday, April 08, 2022, Defendant made an initial appearance and was arraigned based on the Second Superseding Indictment (ECF No. 119). With Defendant's consent, Defendant appeared by video from the Benton County Jail. Defendant was represented by court-appointed attorney Scott Johnson. Assistant United States Attorney Stephanie Van Marter represented the United States.

Defendant was advised of and acknowledged Defendant's rights.

A member of the Criminal Justice Act Panel was appointed to represent Defendant.

Defendant pled not guilty.

1 The Court directs the parties to review the Local Criminal Rules governing  
2 discovery and other issues in this case. [http://www.waed.uscourts.gov/court-](http://www.waed.uscourts.gov/court-info/local-rules-and-orders/general-orders)  
3 [info/local-rules-and-orders/general-orders](http://www.waed.uscourts.gov/court-info/local-rules-and-orders/general-orders).

4 Under federal law, including Rule 5(f) of the Federal Rules of Criminal  
5 Procedure, *Brady v. Maryland*, 373 U.S. 83 (1963), and all applicable decisions  
6 from the Supreme Court and the Ninth Circuit interpreting *Brady*, the United States  
7 has a continuing obligation to produce all information or evidence known to the  
8 United States relating to guilt or punishment that might reasonably be considered  
9 favorable to Defendant's case, even if the evidence is not admissible so long as it is  
10 reasonably likely to lead to admissible evidence. *See United States v. Price*, 566  
11 F.3d 900, 913 n.14 (9th Cir. 2009). Accordingly, the Court orders the United  
12 States to produce to Defendant in a timely manner all such information or  
13 evidence.

14 Information or evidence may be favorable to a defendant's case if it either  
15 may help bolster the defendant's case or impeach a prosecutor's witness or other  
16 government evidence. If doubt exists, it should be resolved in favor of Defendant  
17 with full disclosure being made.

18 If the United States believes that a required disclosure would compromise  
19 witness safety, victim rights, national security, a sensitive law-enforcement  
20 technique, or any other substantial government interest, the United States may

1 apply to the Court for a modification of the requirements of this Disclosure Order,  
2 which may include *in camera* review and/or withholding or subjecting to a  
3 protective order all or part of the information.

4 This Disclosure Order is entered under Rule 5(f) and does not relieve any  
5 party in this matter of any other discovery obligation. The consequences for  
6 violating either this Disclosure Order or the United States' obligations under *Brady*  
7 include, but are not limited to, the following: contempt, sanction, referral to a  
8 disciplinary authority, adverse jury instruction, exclusion of evidence, and  
9 dismissal of charges. Nothing in this Disclosure Order enlarges or diminishes the  
10 United States' obligation to disclose information and evidence to a defendant under  
11 *Brady*, as interpreted and applied under Supreme Court and Ninth Circuit  
12 precedent. As the Supreme Court noted, "the government violates the  
13 Constitution's Due Process Clause 'if it withholds evidence that is favorable to the  
14 defense and material to the defendant's guilt or punishment.'" *Turner v. United*  
15 *States*, 137 S. Ct. 1885, 1888 (2017) (quoting *Smith v. Cain*, 565 U.S. 73, 75  
16 (2012)).

17 A detention hearing was set before **Magistrate Judge Hutton by video in**  
18 **Yakima, Washington, on Wednesday, April 13, 2022, at 3:30 PM.** Pending the  
19 hearing, Defendant shall be detained in the custody of the United States Marshal  
20 and produced for the hearing. The United States Probation/Pretrial Services Office

1 shall prepare a pretrial services report prior to the hearing and shall notify defense  
2 counsel prior to interviewing Defendant.

3 DATED April 8, 2022.

4 s/James P. Hutton  
JAMES P. HUTTON  
5 UNITED STATES MAGISTRATE JUDGE  
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